

Minutes

Bar Harbor Town Council

January 15, 2008

- I. CALL TO ORDER – 7:00 P.M.** – In attendance were: Councilors Ruth Eveland, Robert Garland, Paul Paradis, Ken Smith, Julia Schloss, Greg Veilleux, Robert Jordan, Jr.; and Town Manager Dana Reed.
- A. Excused Absence(s)** - None
- II. APPROVAL OF MINUTES –December 18, 2007** – Mr. Smith, with second by Mr. Paradis, moved to approve the minutes of the December 18, 2007 regular meeting as presented. Motion passed 7-0.
- III. ADOPTION OF AGENDA** – Ms. Schloss, with second by Mr. Smith, moved to adopt the agenda as presented with the exception of adding an item as B(1) titled: Sidewalk Plowing – Request from the Public Works Director for removal of a section of sidewalk from the northern boundary of the Atlantic Oakes to the Ferry Terminal. Motion passed 7-0.
- IV. FINANCIAL STATEMENTS** (Customarily presented at the second meeting each month)
- V. PUBLIC HEARINGS:**
- A. Shellfish Conservation Closure – Request of the Marine Resources Committee for a shellfish conservation closure to harvesting from Hadley Point east to Emery Cove, due to low clam counts.** – There were no comments from the public. Harbor Master Charlie Phippen noted the closure proposed is the east side of the tip of Hadley Point to Leland Cove. Mr. Paradis, with second by Mr. Garland moved to order a Shellfish Conservation Closure to harvesting from the east side of the tip of Hadley Point east to the eastern most point of Leland Cove including Leland Cove effective February 1, 2008 until January 1, 2010, with a clam flat survey in the fall of 2008 with potential for early opening. The closure is based on the following findings of fact:
1. The Marine Resources Committee recommended the closure in its meeting on October 17, 2007.
 2. Concurrence by the Department of Marine Resources area biologist in a letter dated December 7, 2007.
 3. The Bar Harbor Town Council held a Public hearing on January 15, 2008.
- And that other factors bearing on sound management indicate that the area should be closed as stated in the Marine Resources Committee letter dated October 17, 2007. Motion passed 7-0.

VI. REGULAR BUSINESS:

A. July Fourth – *Request of the Chamber of Commerce for permission to hold a street parade and fireworks display.* – Mr. Smith, with second by Mr. Paradis, moved to authorize the Bar Harbor Chamber of Commerce to hold a parade and fireworks on July Fourth 2008, with a rain date of July 5th, as outlined in its request dated November 19, 2007. Motion passed 7-0.

B. Sidewalk Plowing – *Request of “Song of the Sea” owner Anne Damm for sidewalk plowing and snow hauling on the north side of West Street.* – Mr. Smith moved to deny the request to expand the sidewalk plowing route. Motion failed due to lack of a second. Discussion ensued, Mr. Paradis, with second by Ms. Schloss, moved to add the sidewalk on the North side of West Street, from Harborview Park to Rodick Street, to the Town’s plowing list. Motion passed 6-1 (Nay: Mr. Smith).

B.1. Sidewalk Plowing - *Request from the public works director for removal of a section of sidewalk from the northern boundary of the Atlantic Oakes to the Ferry Terminal.* – Mr. Paradis, with second by Mr. Smith, moved to remove the section of sidewalk from the northern boundary of the Atlantic Oakes to the Ferry Terminal from the Town’s plowing list. Motion passed 7-0.

C. Parking Ordinance – *Request of Councilor Veilleux for delay of the November 15 date on which the winter parking ban is initiated.* – Following a brief discussion and clarification on the enforcement of the ordinance, Mr. Paradis, with second by Ms. Schloss, moved to take no action on this item. Motion passed 7-0.

D. Council Communications – *Request of Councilor Schloss for discussion of the methods of communication with and between Councilors.* - Following discussion, Mr. Paradis, with second by Mr. Jordan, moved to affirm the current practice, of emailing information to Councilors and providing a printed copy of the information for each Councilor on their desk at least half an hour before a meeting, by directing staff to write a Council Policy for consideration at it next regular meeting. Motion passed 6-1 (Nay: Ms. Schloss).

E. Economic Development Task Force:

1. *Review and possible approval of the revised bylaws.* – Mr. Paradis, with second by Mr. Smith, moved to adopt the Economic Development Task Force Bylaws as presented. Motion passed 6-1 (Nay: Ms. Schloss).

2. *Possible appointment of members.* – Following a brief discussion and thanking the applicants attending; Mr. Paradis, with second by Mr. Veilleux, moved to direct staff to send invitations to the respective organizations of the Economic Development Task Force asking them to nominate candidates for Council’s consid-

eration, to further communicate this invitation at the next Bar Harbor strategy forum for shoulder seasons and thank those that have applied to date. Motion passed 7-0.

- F. School Reorganization** – *Update by our representative to the Reorganization Planning Committee, Councilor Bob Garland, and discussion of the recent meeting with the RPC.* – Councilor Garland reported last week's meeting was well attended, and thanked those who did come. He provided a follow up of this week's committee member meeting in Augusta. The RPC reported that while MDI schools stood firm in their position. They also indicated that they were willing to continue discussions with the Department of Education for a solution.

G. Budget FY09:

1. *Introduction of the budget by the Town Manager* – The Town Manager gave an overview of the proposed budget as presented; and also an amendment to the original proposal. It provided the Council an opportunity to comment and for staff to gather additional information, if necessary, before the special budget meetings.
2. *Council discussion of proposed Department Goals* – Councilor Paradis provided comments and gave suggestions for thought.
3. *Overview of and comment on proposed Capital Improvement Program* – Councilor Paradis asked questions and provided comments.

H. Land Use Ordinance Amendments: June 2008 – *Review of LUO changes being considered for the Annual Town Meeting.*

1. **Wireless Communication** – Kris Hultgren, staff planner, gave an overview of the proposed ordinance and fielded questions. He will reconfirm FCC frequency interference regulations.
2. **Planning Board Regulatory Process Changes** – Planning Director Anne Krieg summarized the proposal. There were no comments.
3. **Appeals Board Process Changes** – Upon the Planning Director's review of the amendment, it was suggested she might look at the State statutory requirements of the Appeals Board's responsibilities, reconsideration requirements, and review the option of all appeals, except variances, being heard at Superior Court, with the objective of saving money on legal fees and staff and board time. No action was taken.
4. **Groundwater Protection Changes** – Planning Director Anne Krieg reported the amendments were technical changes. Following an overview, it was suggested she might look at municipali-

ties similar to Bar Harbor and view their regulations on the topic. No action was taken.

- I. Cruise Ships** – *Request from Cruise Ship Study Task Force chair Paul Paradis that Council discuss the possible attendance of a representative from Bar Harbor at the American Port Authority Association Cruise Seminar in San Francisco.* – Mr. Paradis and Mr. Veilleux stated that they are members of the Cruise Ship Study Task Force and asked if there was an ethics issue. Mr. Jordan, with second by Ms. Schloss, moved not to recuse Councilors Paradis and Veilleux from this discussion and vote, since they have no conflict of interest. Motion passed 5-0-2 (Recused: Mr. Paradis and Mr. Veilleux).

Following discussion, Mr. Smith, with second by Mr. Veilleux, moved that Councilor Paradis, or a representative from the Cruise Ship Task Force, represent the Town of Bar Harbor at the AAPA Cruise Seminar in San Francisco, CA on February 5-7, 2008. Motion passed 7-0.

- J. Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Smith, with second by Mr. Paradis, moved to sign the Treasurer's warrant for paid bills. Motion passed 7-0.

VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. Smith reported that he would not be available for the January 24th meeting.

Mr. Paradis stated this was the first meeting of the New Year and wished everyone a Happy New Year. He commented how nice it was to see the Town's firefighter/EMT Matt Bartlett and Paramedic John Lennon pictured in the *Lifelight* calendar.

Ms. Schloss reported the next economic development Stakeholder's meeting will be held on February 6th at the Abbe Museum at 8:00 a.m.

She was sorry to read the Mount Desert Islander's editorial regarding the Planning Board and naming one of its members. Articles such as these could be a deterrent for residents to consider becoming a board member. They are only volunteers and we all need to be supportive.

Mr. Jordan reported that he would be at the next meeting, but would need to leave early. In addition, he commented that Council needs to have a discussion with the board members of the Appeals and Planning Boards in light of the editorial and Jen Booher's resignation.

Ms. Eveland reported the organizational meeting of the Ethics Commissioners was postponed due to the weather and will be rescheduled.

She requested clarification of Jen Booher's effective date of her resignation.

She also reviewed the agendas for the special budget meetings and reminded everyone they start at 5:00 p.m. on January 17, 22, and 24th.

VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION: (none planned)

IX. ADJOURNMENT – Mr. Smith, with second by Mr. Paradis, moved to adjourn at 10:36 p.m. Motion passed unanimously.

Paul Paradis, Secretary